

**PREAMBLE  
TO THE  
SUPERINTENDENT'S COMPENDIUM  
2003**

**KATMAI NATIONAL PARK AND PRESERVE**

**PREAMBLE**

The proposed compendium was available for comment from January 1 – February 15, 2003. The following preamble addresses comments received by the park on the proposed compendium. The park received 12 comments from individuals. The State of Alaska and the Wilderness Society with co-signers the National Parks Conservation Association, the Alaska Quiet Rights Coalition and the Alaska Center for the Environment also commented.

**GENERAL COMMENTS:**

**Determinations**

The State of Alaska (State) pointed out that the Parks deal with determinations differently and has asked for more consistency, suggesting that a separate document be created to list the determinations.

The National Park Service (NPS) believes that incorporating the determinations in the existing compendium helps the public understand the issue and would prefer to incorporate the determinations where possible. If a written determination is too lengthy to be incorporated the park will indicate that a full determination is available upon request or simply attach the determination to the end of the compendium.

**Limit applicability to Federal Lands**

The State contends that these compendium regulations only apply to park lands. They have requested a statement to that effect early in the compendium.

The limitations of the regulations and the compendium are carefully articulated in Title 36 CFR Sections 1.2 and 13.2 – Applicability and Scope - and do not require further elaboration or interpretation.

**Compendiums as educational tools:**

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS believes that while this is not the basic purpose of the compendiums, the NPS is supportive of the State's desire to see the document used for education.

## **TITLE 36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS**

### **1.5 Closures and public use limits**

The State of Alaska has acknowledged and supports that the National Park Service is working on proposed regulation that would improve the ability to manage facilities for public health and safety. The State supports the continuation of health and safety provisions listed throughout the compendia while special regulations are being drafted. The state has recognized the reduced size and restrictions that have been eased within the Brooks Camp Developed Area. The National Park Service will continue to improve and define the Brooks Camp Developed Area while providing a readily identifiable map of this area.

The State of Alaska and commercial operators commented on the park's Bear Viewing Conditions. After consideration of these comments, along with the "Best Practices for Viewing Bears," the park has changed the entry. Considerable effort was expended by all parties to reach a solution to this issue. The park would like to acknowledge and thank the State of Alaska and the commercial operators who contributed to this effort.

Commercial operators also commented on the restriction to "visiting hours" on the viewing platforms near the falls on the Brooks River. These restrictions result from the "Finding of no significant Impact" (FONSI) for the Brooks River boardwalk Environmental Assessment (EA). The FONSI developed after public review for the EA responded to concerns voiced in the EA process by mandating periods when the falls and riffles platforms would be closed. The hours chosen were based on limiting the impact to prime visiting hours, but still accommodating some of the daylight hours when bear use of the falls is substantial. The restriction allows bears to utilize the river without human presence on the platforms. The restriction will remain in place.

### **1.6 Permits**

Comment was received from the State indicating that there are inconsistencies among the various compendiums. Some of these inconsistencies are editorial in nature while others are due to park specific differences. Editorial inconsistencies will be corrected.

#### **2.1 (a) ( 5) Designated areas for walking or climbing on cultural sites.**

The State has requested consistent wording where specific issues do not need to be addressed for a specific park. The NPS believes that consistency can be achieved by adopting the following:

"There are no designated areas. Walking and climbing on archeological and cultural resource sites is prohibited."

#### **2.1 (b) Designated trails**

The State of Alaska suggests using the words "No restrictions on walking or hiking".

The NPS agrees with the State's suggestion.

#### **2.1 (c) (1-3) Designated fruits and berries, to harvest by hand**

The State of Alaska has suggested some default language in this section. The NPS believes that the parks can use the following:

“All edible fruits, berries, nuts and unoccupied seashells may be gathered by hand for personal use or consumption.” The section on unoccupied seashells may not apply to all parks.

Katmai has adopted the wording.

The State of Alaska has suggested that the ANILCA parks adopt uniform wording for 13.20(b)(1) and 13.49(b). The NPS believes that it is necessary to address the two separately authorized user groups and will continue to address federally qualified subsistence users separately.

**2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas.**

The State of Alaska has suggested consistent wording of this section. The NPS agrees to the State’s proposal and will adopt the suggested wording.

**2.2(e) Designated areas for wildlife viewing with artificial light.**

The State of Alaska suggested adopting the Gates of the Arctic compendium entry. After consideration the areas where hunting is allowed agree to adopt the following modified version of the Gates of the Arctic compendium:

“No areas designated for closure. For sport hunting in the Preserve, state law prohibits the use of artificial light. Federal subsistence hunting regulations provide for the use of artificial light in some circumstances (50 CFR Part 100).”

Those parks without hunting will provide “No areas designated for closure.”

**2.3 (a) Fishing**

The State of Alaska has suggested adoption of compendium entries that will bring the NPS fishing regulations in Alaska into conformity with State Regulations. The Alaska specific regulation permitting fishing in park areas, 36 CFR 13.2, adopts applicable State and Federal law to the extent not inconsistent with 36 CFR 2.3. The NPS believes that any compendium entries must continue to be consistent with the regulations in Section 2.3.

**2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water**

Same comment as found under 2.3 (a).

**2.3 (d)(8) Designated areas open for fishing from public boat docks, bridges, etc.**

The State comments concerned wording used that could imply that the NPS may use this section beyond what is appropriate.

In order to clarify this section the header will be changed to “Designated areas open for fishing from motor road bridges and public boat docks.” For those areas designating an opening, where possible the wording will be:

“All areas are designated as open for fishing from motor road bridges and boat docks.”

## **2.4 Weapons, traps and nets.**

The State of Alaska has suggested a map showing boundaries of the park in relation to post-ANILCA park and preserve boundaries and in support of references to the “former Katmai National Monument. The park agrees and will begin working on such a map.

Commercial operators commented on the use of weapons for personal safety throughout the parks. This section of 36 CFR does not allow for discretionary authority on where weapons may be carried within the former Katmai National Monument as otherwise provided in parts 7 (special regulations) and 13 (Alaska regulations) for park and preserve additions in ANILCA. The park will continue to work with operators and visitors on the use and transportation of weapons while traveling within Katmai.

### **2.4(a)(2)(ii) Target Practice**

The State of Alaska has suggested specific wording for this section. After considering the comment and the regulation, the NPS has concluded that the subsection can only authorize a target practice facility in a park area by special regulation. Since no special regulations exist, the NPS will delete this entire section from the compendiums because 2.4(a)(2)(ii) does not authorize a compendium action.

### **2.10(d) Food Storage designated areas and methods**

The State of Alaska suggested two options. The NPS is adopting a modification of the State’s proposal in Appendix B of their letter. There is a value to consistency where possible and the NPS suggests further work on this issue in conjunction with the State. The NPS recognizes that some variation will continue to exist because of differing environments, but where possible the parks will attempt to be consistent by using the language proposed by Kenai Fjords as a basis for the language in this section.

Katmai has adopted this language, and allows for alternative food storage methods in varying environments.

Commercial operators have concerns as to when the restrictive nature of “food Storage” restrictions do not apply. We will continue to work with operators and visitors on safe food storage requirements while traveling within Katmai. The entry has been clarified to help with this concern.

## **2.11 Picnicking**

Commercial operators are unclear on regulations concerning picnicking. This is superseded by section 13.18(b). We have reworded this portion of the compendium for clarity.

### **2.13(a)(1) Fires**

The State of Alaska has proposed specific wording to expand the wording of Kenai Fjords compendium. The NPS agrees to the state’s proposal as modified (replacing “pit” with “site” :

“All trash (tin foil, burnt food, glass, and cans) must be removed from the fire site after use.”

**2.14(a)(5) Sanitation-Designated areas for bathing and washing.**

The State of Alaska has proposed deleting the phrase “No designated areas.” The wording about designated areas is needed so that the language complies with the specific regulation. The NPS agrees that where needed, in parks with public facilities, the additional explanatory language suggested by the State could be adopted to help educate the public.

“No designated areas; therefore unless allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.”

**2.14(a)(7) Sanitation designated areas for disposal of fish remains.**

Similar comments to 2.14(a)(5) above. Parks will adopt the language suggested by the State where applicable.

**2.14(a)(9) Human waste disposal in non-developed areas.**

The State of Alaska has suggested uniformity of distance in the compendium entries, where possible, and has suggested a standard of 100 feet as the appropriate distance from water, campsite, or a trail. The NPS agrees that where physically possible a uniform distance could be adopted but would like to work further with the State to consider national research and standards on this issue in determining the most appropriate distance. The default distance in parks is 100 feet with the exception of Gates of the Arctic which has previously established a 200 foot standard.

For ease of reading the distance from water and the depth of burial have been combined in the same sentence and will continue to address the issue under 2.14(a)(9).

**2.14(b) Carrying out human waste**

The State of Alaska commented to 2.14(a)(9); however, these conditions are more appropriately addressed under 2.14(b)

The State has suggested that the parks provide options for the disposal of toilet paper including permitting the practice of burial, burning or carrying out toilet paper. The parks are reluctant to endorse burial of toilet paper as an appropriate method of disposal. Burning may not be appropriate in certain areas given fire danger in specific areas. Carry out remains the preferred option for disposal in most areas.

Commercial operators have commented in the support of maintaining the requirement to remove toilet paper as trash. “Nothing is more unsightly (and we see it more often than we like) than a wad of toilet paper in a pristine spot.”

**2.15(a)(1) Pets**

The State of Alaska has suggested adopting a phrase from the regulation to go beyond the phrase “no additional conditions at present.” The Parks believe that it is more appropriate for the public to refer to the regulation for the entire list of conditions that are applied to pets in the parks and but have agreed to modify the entry to read:

This regulation section contains restrictions, such as “Pets must be leashed or otherwise physically restrained,” and therefore there are no additional conditions.

### **2.18 Snowmachine Use**

The Wilderness Society and co-signers The National Parks Conservation Association, The Alaska Quiet Rights Coalition, and the Alaska Center for the Environment commented that the wording of 2.18 must be clarified to ensure that readers are aware that all areas are closed to snowmachine use under this section. The authors of this comment are correct.

The NPS proposes to alter the language to read “No areas designated for snowmachine use” and where applicable the following may be added:

“Superceded in part by 43 CFR 36.11 Special access.  
“Superceded by 36 CFR 13.46 for subsistence use.”

The “(Non-traditional Activities) in the header will also be deleted.

### **2.19(a) Winter Activities**

The State of Alaska has suggested default language where no park specific issues exist. Some parks presently state “no designated areas.” The State suggests “All areas are open to winter use.”

The NPS agrees that the language could be confusing. In those areas with no parking areas or roads the respective compendiums will state that this section does not apply. Those areas that do not allow skiing, snowshoeing, etc on roads and parking areas open to vehicle traffic will state:

“Roads and parking areas open to vehicle traffic in the winter are not designated as open to winter activities.”

### **2.60 Grazing**

The State of Alaska commented that the Parks adopt consistent language for this section unless park specific issues need to be addressed. The NPS agrees and will adopt the States’ suggested language.

### **2.62 (b) Memorialization – designation of areas for scattering ashes:**

The State of Alaska has commented that most park areas do not require a permit for the scattering of ashes and questions the need for a permit. The parks that presently require a permit will reconsider the need for permitting. In large natural areas the scattering of ashes will generally be allowed without a permit; however parks with significant developed areas may choose to require a permit for the developed areas.

### **3.20(a) Waterskiing**

The State of Alaska has suggested “No restrictions at present.” In many cases the parks do not see waterskiing as a significant activity; however, where it is necessary to address the activity the parks believe that designating the appropriate waters is consistent with the requirements of the regulations. For consistency, these parks will state:

“All waters are designated as open.”

**13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually.**

The State of Alaska suggested modifying Katmai’s requirements on conditions and standards to be consistent with other park units. Katmai has agreed and has modified this section for consistency with other park units.

**13.17(e)(5)(i) Designated cabins for general public use.**

The State has recommended that in areas where public cabins exist and are not under public use permit the parks adopt language giving the public short term authority to use the cabins for up to 14 days. The parks discussed this issue and found that there are significant differences in cabin management between the parks in Alaska for a variety of reasons. The NPS believes that this issue cannot be addressed with default general language and must be addressed on a park-by-park basis.

**13.18 Camping and picnicking**

The park recognizes the general comments from the State of Alaska about the Brooks Camp Developed Area. The restrictions for picnicking will remain in place while the regulations package is developed. Wording of the entry has been changed for better clarification.

**13.19 (b) Carrying Firearms**

The NPS appreciates the State of Alaska’s comments on the present regulations and the willingness to assist the parks in resolving the issue.

**13.22 (c) Abandoned and Unattended personal property.**

The State of Alaska has commented that the NPS should adopt uniform treatment of caches. The parks will continue to work toward wording that can be applied to more than one area. Some parks believe that it is necessary to make allowances for differences between developed areas or areas with mountaineering concerns or other special concerns. These issues will be covered in the specific park’s determinations.

Katmai has worked towards wording that can be applied to all caches, abandoned and unattended property outside of the Brooks Camp Developed Area. These requirements adopt a uniform treatment and are consistent with other National Park units.

**13.23(a) Designated Recreation Fee Use Area**

The State of Alaska commented on the fee designation for the Brooks Camp Developed Area. While the general fee has been rescinded, a fee for the campground remains. The state recognizes and supports the need for a required orientation upon arrival at the Brooks Camp Developed Area. This requirement remains in place.

**13.30(d)(2) Camping**

The State of Alaska has commented that it believes special regulations are needed to improve restrictions on camping. The NPS appreciates the States discussion of this issue and proposes to refer to the existing State regulations in the development of Federal regulations.

Incidental business operators have commented on the restrictive nature requiring camps to be moved every 7 days. The park appreciates the comments, has made some changes and will further review options and examples of existing regulations to help protect the park resources.

Incidental business operators have commented on the prohibition to camping within the Brooks Campground. The park will continue to review options allowing access to all user groups while protecting park resources and maintaining visitor experiences.

**13.69(a)(2) Customary trade of handicraft articles made from plant materials**

The State of Alaska has proposed that the NPS support the adoption of a special regulation allowing the customary trade of handicraft articles similar to the Kobuk Valley specific regulation. The NPS has been reviewing its regulation of customary trade, and agrees that there may be a need for some modifications to accommodate customary and traditional activities.

**36.11(f)(3)(ii) Salvage of downed aircraft**

The State of Alaska commented in support of the general provision in most compendiums which details the requirement for a permit prior to salvaging downed aircraft. Katmai has relaxed its requirement to conform to these provisions

**36.11(g)(1) ORVs on established trails.**

The NPS appreciates the State's comments regarding ORV use. We believe that the differences in the treatment of this issue between the individual parks reflect the differences in existing use patterns and differing management plans.



**KATMAI NATIONAL PARK AND PRESERVE  
ANIAKCHAK NATIONAL MONUMENT AND PRESERVE  
ALAGNAK WILD RIVER**

**Compendium 2003**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of all NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions. The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the park can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Katmai National Park and Preserve, PO Box 7, King Salmon, Alaska 99613 at (907) 246-3305 for questions relating to information provided in this compendium.*

For the purpose of this compendium, the term "parks", "park areas", or "park units" will refer to Katmai National Park and Preserve, Aniakchak National Monument and Preserve, and the Alagnak Wild River. The regulations contained within this compendium apply to all of these areas unless otherwise specified.

**TITLE 36 CODE OF FEDERAL REGULATIONS**

**PART 1. GENERAL PROVISIONS**

**1.5 Closures and public use limits**

**(a)(1) Visiting hours, public use limits, closures**

Visiting hours on the Falls and Riffles bear viewing platforms, boardwalks and the areas immediately below them, will be from 7:00 AM to 10:00 PM daily. The area affected is marked on the attached Brooks Camp Developed Area Map.

*A schedule of visiting hours is required per the Finding of No Significant Impact for the Brooks River Bear-Viewing Facility. The schedule is intended to provide bears access to Brooks Falls and vicinity during a predictable period of time in which the general public is absent from the viewing structures.*

### **Wildlife Distance Conditions**

Persons may not approach within 50 yards of a bear or any large mammal. Persons may not continue to occupy a position within 50 yards of a bear utilizing a concentrated food source, including but not limited to animal carcasses, spawning salmon, and other feeding areas. This regulation does not apply to persons engaged in a legal hunt, on a designated bear viewing structure, in compliance with an approved protocol, or if otherwise directed by NPS.

*Areas that possess abundant fish and wildlife attract large numbers of visitors and present high potential for personal injury and altering wildlife behavior. These restrictions on activities that bring people in contact with wildlife are intended to apply a minimum buffer zone around wildlife. It does not imply that 50 yards is always a safe distance from which to observe wildlife.*

*A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters or can be found as an appendix to this document.*

### **1.6(f) Compilation of activities requiring a permit**

- Scientific research, (1.5)
- Possessing a loaded, operable, or accessible weapon in the former Katmai National Monument, 2.4(d)
- Collecting research specimens, (2.5)
- Operating a power saw in developed areas, (2.12(a)(2))
- Operating a portable motor or engine in undeveloped areas, (2.12(a)(3))
- Operating a public address system, (2.12)(a)(4))
- Air delivery, (2.17(a)(3))
- Using designated fee areas or facilities, (2.23(b)).
- Noncommercial soliciting, (2.37)
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, (2.38(a))
- Special events, (2.50(a))
- Public assemblies and meetings, (2.51(a))
- Sale and distribution of printed matter, (2.52(a))
- Grazing, (2.60(a)(1), (2))
- Residing on federal lands, (2.61(a))
- Installing a monument, (2.62(a))
- Commercial notices or advertisements, (5.1)
- Commercial operations, (5.3)
- Commercial photography or filming, (5.5)
- Repair or construction of a structure, facility, road, trail, or airstrip on federal lands, (5.7)
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Abandoned property, leaving property unattended for over 12 months, (13.22(b))
- Cabins on federal lands-
  - General use and occupancy, (13.17(e)(1), (2))

- Subsistence-exclusive use, (13.17(e)(4)(i))
- Temporary (over 14 days) facilities in Preserve for taking of fish and wildlife, (13.17(e)(7))
- Cabins otherwise authorized by law, (13.17(e)(8))
- Subsistence use in areas designated as “Park” or “Monument” by a person who does not live within the Park or Monument boundary or in a resident zone community, (13.44(a))
- Using aircraft access for subsistence activities in the Park or Monument, (13.45(a), (b)(1))
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, (13.49(a)(1))
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, (43 CFR 36.10(b))
- Salvaging, removing, possessing aircraft, (43 CFR 36.11 (f)(3)(ii))
- Helicopter landings, (43 CFR 36.11(f)(4))
- Off-road vehicle (ORV) use, (43 CFR 36.11(g)(2))
- Temporary access across federal land for survey, geophysical or exploratory work, (43 CFR 36.12(c))

## **PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **2.1(a)(4) Designated Areas for Collection of Dead and Downed Wood**

Dead and downed wood may be collected for use as fuel for campfires within the former Katmai National Monument.

Superseded by 13.20(b)(4) and 13.49(b) in the 1980 ANILCA additions. Section 13.20(b)(4) authorizes all persons to collect dead or downed timber by hand for personal use for firewood in the 1980 ANILCA additions. Section 13.49(b) allows federally qualified subsistence users to collect dead or downed timber in the 1980 ANILCA additions.

### **2.1(a)(5) Designated areas and conditions for walking, climbing on archeological cultural resource sites**

There are no designated areas. Walking and climbing on archeological and cultural resource sites is prohibited.

### **2.1(b) Designating trails**

No restrictions on walking or hiking.

### **2.1(c)(1-3) Designated fruits, berries, nuts and unoccupied seashells to harvest by hand**

In the former Katmai National Monument, All edible fruits, berries, nuts and unoccupied seashells may be gathered by hand for personal use or consumption.

Superseded by 13.20(b)(1) and 13.49(b) in the **1980 ANILCA Preserve and Park additions**. Section 13.20(b)(1) authorizes all persons to collect fruits, berries, mushrooms, and other natural plant food items by hand for personal use in the **1980 ANILCA Preserve and Park additions**. Section 13.49(b) allows federally qualified

subsistence users to collect fruits, berries, mushrooms, and other natural plant food items in the **1980 ANILCA Preserve and Park additions**.

**2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas**

Hunters are required to identify themselves and the location where the wildlife that is being transported across park/preserve land was taken when requested by a park ranger. Identification of the site may consist of specific directions, maps, or upon request the hunter may be required to accompany the ranger to the location to verify the kill site.

**2.2(e) Designated areas for wildlife viewing with artificial light**

No designated areas in the former Katmai National Monument. Viewing wildlife with artificial light is prohibited within the former Katmai National Monument.

*This restriction is intended to protect wildlife from human disturbance and harassment in the former Katmai National Monument.*

No areas designated for closure in the Preserve. For sport hunting in the Preserve, state law prohibits the use of artificial light. Federal subsistence hunting regulations provide for the use of artificial light in some circumstances (50 CFR Section 100).

**2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe**

No waters are designated as open to bait fishing, except the Naknek River where bait may be used in accordance with state law pursuant to 13.66(b)(1). Subsistence fishing is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

**2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks**

All areas open to fishing from motor road bridges and public boat docks except the floating bridge in the Brooks Camp Developed Area.

*The floating bridge at Brooks Camp is the primary travel route between visitor services provided at Brooks Camp and the viewing platforms along the river. For the safety of visitors no fishing from the bridge will be allowed.*

**2.4(a)(2)(i) Carrying of weapons at designated locations and times**

Weapons and traps may not be carried within the former Katmai National Monument. (Note: see 2.4(a)(3) authorizing the possession of unloaded weapons that are either inoperable or inaccessible in vehicles and vessels).  
Superseded by 13.19(b) in all other areas.

**2.10 (a) Camping - designated sites, areas, conditions and permits**

Superseded in part by 13.18(a).

## 2.10(d) Food storage - designated areas and methods

All food, food containers, garbage, harvested fish and equipment used to cook or store food must be secured in one of the following ways unless it is within immediate physical control:

- Secured within a building or designated food cache or
- Secured within lockable and hard sided section of a vehicle, vessel, or Aircraft or
- In a Bear resistant food container or
- Suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, wire cable, or other object.

Note: This does not apply to:

- Food that is being transported, consumed or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.

A bear resistant section or container is securable and constructed in such a manner and material (capable of withstanding a minimum of 200-ft/lbs of energy) to prevent access by a bear.

Acceptable Bear Resistant Food Containers include:

- PVC plastic or aluminum backpacker canisters (such as those manufactured by Garcia Machine, Wild Ideas, or Purple Mountain Engineering)
- Park provided metal food lockers at some coastal campsites
- Steel drums with locking rings
- Modified military ammo cans or bear resistant metal panniers
- Metal raft dry boxes.

Unacceptable Bear Resistant Food Containers include:

- ice chests
- coolers
- tents
- dry bags or stuff sacks
- plastic packing boxes (Totes, Action Packers, etc.)
- hard or soft shelled kayaks with standard hatch covers

Any fish caught and kept within the Brooks Camp Developed Area must be immediately stored within a designated facility. Designated fish storage facilities within the Brooks Camp Development Area are the Fish Freezing Building for the public, and employee residences.

*The intent of these designations is to prevent bears and other wildlife from learning to associate humans, human developments, or camp sites as potential sources of food, thus protecting wildlife and park visitors alike. Visitors should*

*note that much of the park does not contain suitable trees to properly suspend food.*

## **2.11 Picnicking - designated areas**

Superseded by 13.18(b).

## **2.13(a)(1) Fires - Designated areas and conditions**

Within the Brooks Camp Developed area, 1.5 mile outside of the Brooks Camp Developed Area and at Lake Camp boat launching facilities, fires are allowed only in pre-established designated fire rings or grills. Campfires are allowed at all other locations. Fires may not be left unattended and must be completely extinguished upon termination of use. All trash (tin foil, burnt food, glass, and cans) must be removed from the fire site after use.

*The intent of this requirement is to allow for fires in the backcountry while ensuring that resource impacts are minimized. It is recommended in backcountry areas to reuse visible fire rings. When fires are extinguished all trash should be removed and cooled remnants should be scattered.*

## **2.14(a)(2) Sanitation and refuse - using government receptacles**

Dumping of household, commercial, or industrial refuse brought into the park is prohibited.

## **2.14(a)(5) Sanitation - designated areas for bathing and washing**

Within the Brooks Camp Developed Area the water spigot located adjacent to the food cache in the Brooks Camp campground is the only outdoor location approved for washing of cooking utensils. Showers may be obtained from the Concessionaire at Brooks Lodge.

## **2.14(a)(8) Sanitation - human waste in developed areas**

Use of existing fixtures and facilities within the Brooks Camp Developed Area, and Lake Camp boat launching facilities is required.

## **2.14(a)(9) Sanitation - designated areas for disposal of human waste in undeveloped areas**

In all areas holes must be dug at least 6 inches deep and 100 feet from any surface freshwater source.

*This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor health and safety.*

## **2.14(b) Sanitation- conditions concerning disposal, carrying out of human waste**

All toilet paper and other sanitary products shall be packed out as trash or burned.

## **2.15(a)(1), (a)(3), (a)(5), (b), (e) Pets**

Pets are prohibited in the Brooks Camp Developed Area and within 1.5 miles of the Brooks Camp Developed Area.

In all other areas pets are allowed. This section already contains restrictions, such as pets must be leashed or physically restrained, and therefore there are no additional conditions in these areas.

*This restriction limits the free-range of pets within the park to protect wildlife and park visitors from harassment.*

**2.16(a)-(c) Horses and pack animals**

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

**2.17(a)(1) Aircraft operation**

Superseded by 43 CFR 36.11(f)(1).

Access for subsistence purposes under 36 CFR 13.45 supersedes this section.

**2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas**

No areas prohibited at present.

**2.17(c)(1) Removal of downed aircraft**

Superseded by 43 CFR 36.11(f)(3)(ii).

**2.18(c) Snowmobiles-designated areas for use.**

No areas designated for snowmachine use.

Superseded in part by 43 CFR 36.11 for Special access.

Superseded by 36 CFR 13.46 for subsistence use.

**2.19(a) Winter activities-designated areas**

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities in 2.19(a).

**2.20 Skating and skateboards**

Superseded by 43 CFR 36.11(e).

**2.21 Smoking**

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

*These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities.*

**2.22 Property - leaving property unattended for 24 hours**

Superseded by 13.22.

**2.23(a) Designated Recreation Fee use Area**

The Brooks Camp Developed Area is the only designated recreational fee area within the parks. As a condition of use, ALL persons arriving at Brooks Camp must receive an approved Bear Orientation from the National Park Service or other authorized persons.

*By requiring all visitors to check in at the Brooks Camp Visitor Center, the visitor will be ensured of getting a proper orientation to correct behavior around bears. Guides who have been accepted into the Brooks River Guide Program may provide this orientation to their clients without going to the Visitor Center. This is intended to increase visitor safety and resource protection.*

**2.35(a)(3)(i) Alcoholic beverages - areas closed to consumption**

No restrictions at present.

**2.38(b) Explosives - areas designated for using fireworks**

No areas designated for use of fireworks. Fireworks are prohibited.

**2.51(e) Public assemblies/meetings - designated areas**

Areas of the park open to public assemblies with a permit from the Superintendent are designated on the attached map.

**2.52(e) Sale and distribution of printed matter-areas designated for such use**

Areas of the park open to distribution of printed matter with a permit from the Superintendent are designated on the attached map.

**2.60(a)(3) Designated areas for grazing**

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit in all areas. Any feed brought in must be “weed-free”.

*These restrictions seek to lessen the impact of extended camps on vegetation and minimize the risk of nonnative plant invasion.*

**2.62(b) Memorialization-designation of areas for scattering ashes**

All areas of the park are open to scattering of ashes without a permit.

**PART 3. BOATING AND WATER USE ACTIVITIES**

**3.3 Permits**

No permits required at present.

**3.6(i) Boating, prohibited operations - designated launching areas**

All areas of the park are open to launching of boats.

**3.6(j) Operating a vessel not directly accessible by road**

Superseded by 43 CFR 36.11(d).



Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

**3.6(k) Launching or operating airboats**

Superseded by 43 CFR 36.11(d)

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

**3.6(l) Operating a vessel in excess of designated size**

No maximum size designations at present.

**3.20(a) Water skiing-designated waters**

All waters are designated as open.

**3.21(a)(1) Swimming and bathing-areas designated as closed**

All park areas are open to swimming and bathing.

**3.23(a) SCUBA and snorkeling - designated conditions in swimming areas, docks, etc.**

No restrictions at present.

**PART 4. VEHICLES AND TRAFFIC SAFETY**

**4.10 Travel on park roads and designated routes-areas designated for off-road use in Preserves**

No designations at present.

See also 43 CFR 36.10, 36.11(c), (g), 36 CFR 13.46(a).

**4.11(a) Load weight and size limits - permit requirements and restrictive conditions**

No restrictions at present.

**4.21(b)-(c) Speed limits-designation of a different speed limit**

Vehicle use is restricted to the south side of Brooks River. Speed limits on the road between the lower platform and Brooks Lake (Brooks Lake road) is 15 mph. The Valley of Ten Thousand Smokes road is designated is 25mph. Limited administrative use of small utility vehicles is permitted within the Brooks Camp Developed Area.

*The reduced speed limit within the Brooks Camp Developed Area is for public safety. Pedestrians, bicyclists and wildlife often use the roadway and visibility is limited due to road design and vegetation.*

**4.30(a) Bicycles-closed areas**

Superseded by 43 CFR 36.11(e).

**4.30(d)(1) Wilderness closed to bicycle use**

Superseded by 43 CFR 36.11(e).

**4.31 Hitchhiking-designated areas**

All areas of the park are open to hitchhiking.

## **PART 5. COMMERCIAL AND PRIVATE OPERATIONS**

### **5.7 Construction of buildings, roads, trails, airstrips, or other facilities**

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required. Any other construction requires a permit.

## **PART 13. ALASKA REGULATIONS**

### **SUBPART A – PUBLIC USE AND RECREATION**

#### **13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked**

No conditions established at present (may require access permit).

#### **13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence use without a permit**

No designations.

#### **13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually.**

No conditions or standards established.

#### **13.17(e)(5)(i) Designated cabins or other structures for general public use**

Fure's Cabin at the northeast corner of the "Bay of Islands" in the north arm of Naknek Lake is designated as a public use cabin.

#### **13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins**

The following conditions apply to Fure's cabin at the northeast corner of the "Bay of Islands" in the north arm of Naknek Lake:

- Use of the cabin site for specific administrative uses shall have priority over all unreserved public use when deemed necessary by the park Superintendent.
- All use will be conducted for recreational activity by reservation through the King Salmon office.
- No commercial overnight use is permitted at the cabin.
- Reservations shall be made on a first-come first-served basis beginning no earlier than January 1 of each calendar year of the intended use.
- Use will be limited to groups no larger than six and the names of all group members shall be provided at the time a reservation is requested.
- Overnight stays are limited to no more than four consecutive nights and no more than seven nights a year.
- Use of the adjacent historic tower is not permitted.
- The use of a tent within the cleared area around the cabin is prohibited.
- Alterations to the structure, marring the surface of the wood logs, framing or other components of the cabin and surrounding structures is prohibited.

*This requirement allows for equitable public use of the Fure's Cabin.*

**13.17(e)(7)(iv)(B) Established conditions for removal of temporary facility (more than 14 days)**

Individuals must remove facility, all personal property, and return the site to its natural condition.

*These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.*

**13.18(a) Restricted areas for camping**

Areas temporarily restricted or closed to camping are listed under 13.30(d)(2).

**13.18(b) Picnicking-areas where prohibited**

Picnicking is restricted only within the Brooks Camp Developed area of Katmai National Park. Picnicking is limited to the Brooks Camp Visitor Center picnic area, Brooks Campground, Brooks Lake Picnic Area, and a site designated in the employee housing areas.

For the purpose of this regulation, picnicking is defined as preparing or consuming food or beverage. Water is not considered a beverage.

*These restrictions are listed here for information. Regulations require notification of picnicking limitations by posting of appropriate signs. The posting of signs within the Brooks Camp Developed Area will provide public notice of this restriction.*

**13.19(b) Carrying firearms**

Temporary restrictions will be listed under 13.30(d)(2). See 2.4(a)(2)(i) for restrictions on carrying weapons in the former Katmai National Monument.

**13.20(d) Preservation of natural features**

There are no additional restrictions.

*See 2.1(a)(4), (c)(1)-(3) for the former Katmai National Monument.*

**13.22(c) Designate areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored**

Brooks Camp Developed Area

No personal property of any kind may be left unattended for any length of time within the Brooks Camp Developed Area except for: the Brooks Lodge Porch, the Brooks Campground, or in the cache at the Brooks Camp Visitor Center.

Remaining Areas

Personal property may not be left unattended for more than 4 months without written permission from the superintendent.

- All caches must be labeled with the name of the owner, home address, telephone number, and date that the cache was established. If the cache contains fuel, the type of fuel must be noted. Unlabeled caches may be removed or impounded.
- Caches left for more than 4 months will be considered abandoned and may be removed or impounded by Park Rangers.
- All caches must be secured in such a manner that wildlife is unable to access the cache contents.
- Fuel caches will be limited to one location, and no more than 30 gallons may be registered to a single cache.
- Fuel caches will be stored at least 100 feet from any water source, gravel bar, or flood plain. Fuel must be contained in a UL approved steel fuel container and placed on impervious material in such a manner that any spillage would be contained and prevented from coming into contact with water, soil or vegetation.
- A Special Use Permit may be obtained from the Superintendent for unique or special circumstances that require a cache to be left in place for more than 4 months. All such requests must be made in writing to the Superintendent at 4230 University Drive Suite 311, Anchorage AK 99508

*Unlabeled or undated caches are an indication that the owner has no intention of returning or retrieving the property. Experience indicates that caches older than 4 months are usually abandoned. Unlabeled fuel is of questionable use since fuel deteriorates with age. Fuel caches require special containers and handling because fuel spills can contaminate soil and water. Fluctuating river levels and unstable stream banks make streamside, gravel bar, and flood plain cache locations unsuitable.*

*The Brooks Camp Developed Area provision is intended to minimize bear-human confrontations that could result from bears investigating unattended property*

**13.30(d)(1) Temporary closures and restrictions relating to the use of aircraft, motorboats, and non-motorized surface transportation or to the taking of fish and wildlife**

No closures or restrictions at present.

**13.30(d)(2) Temporary closures and restrictions (other)**

Brooks Camp Developed Area (See attached Map)

- Camping within the Brooks Camp Developed area is restricted to the Brooks Campground.
- Camping is prohibited in the Brooks Camp Campground from September 18<sup>th</sup> - November 1<sup>st</sup>.
- Camping is prohibited within 1.5 miles of the Brooks Camp Developed Area except in designated areas (see attached map) between September 18<sup>th</sup> - November 1<sup>st</sup>.
- Brooks Campground is limited to 7 total nights during the month of July.
- Groups are limited to no more than 6 persons per site June 1<sup>st</sup> - September 18<sup>th</sup>.
- Public notice of this restriction will be provided by the posting of signs within the Brooks Camp Developed Area.

*These restrictions are provided to ensure that a greater number of visitors have access to the Brooks Camp area during the peak visitation season and to minimize crowding thus protecting the visitor experience and the natural resources.*

**Backcountry Camping-effective from June 1 – September 1**

Camping within 3 miles of the Katmai Coast is limited in one location up to 7 consecutive nights. Camp must be moved at least one mile from its previous location. Camp may not be returned back to the original site for a period of at least 14 days.

Camping in all other locations is limited to 14 consecutive nights in one location at which time the camp must be moved at least two miles.

For the purpose of this section, camping is defined as any planned overnight stay in the backcountry areas of the above listed parks, excluding stays at the Brooks Campground or Commercial Lodges.

*This limitation is to prevent long term occupancy of campsites other groups may wish to use, minimize campsite deterioration and disruption of wildlife use patterns.*

**SUBPART B – SUBSISTENCE**

**13.49(a)(1) May permit cutting in accordance with specifications of permit for subsistence timber harvest (house logs & firewood)**

Cutting of live timber for subsistence or any other purpose is not authorized in the former Katmai National Monument. In all other areas, the Superintendent may allow subsistence harvest of trees greater than 3" subject to the terms and conditions of a permit issued by the Superintendent.

*The above restriction serves to minimize impact to park resources, ensure that natural biodegradation processes are unimpaired, and protect against over harvest.*

**13.49(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes**

Cutting of live timber is not authorized in the former Katmai National Monument. In all other areas, verbal or written permission from the Superintendent is required to cut live timber less than 3" in diameter, except as necessary to clear designated vehicle routes and airstrips.

*The above restriction serves to minimize impact to park resources and protect against over harvest.*

## **43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)**

### **36.11(c) Temporary closures or restrictions on the use of snowmachines for traditional activities**

No closures or restrictions at present.

### **36.11(d) Temporary closures or restrictions on use of motorboats**

No closures or restrictions at present.

### **36.11(e) Temporary closures or restrictions on use of non-motorized surface transportation**

No closures or restrictions at present.

### **36.11(f)(1) Temporary closures or restrictions on landing areas for fixed-wing aircraft**

No closures or restrictions at present.

### **36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft.**

A permit is required from the Superintendent before downed aircraft may be salvaged and removed from the NPS lands; violation of the terms and conditions of the permit is prohibited.

*This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.*

### **36.11(g)(1) Use of off-road vehicles (ORV) on established trails**

No trails designated for ORV use at present.

## **LIST OF ATTACHMENTS (MAPS)**

Appendix A, Brooks Camp Developed Area

Appendix B, Determination of Need for Wildlife Distance Conditions.

**This compendium is approved and rescinds all previous compendiums issued for Katmai National Park and Preserve, Aniakchak National Monument and Preserve, and the Alagnak Wild River.**

**Deborah O. Liggett**

**Superintendent:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## APPENDIX B

### KATMAI NATIONAL PARK AND PRESERVE ANIAKCHAK NATIONAL MONUMENT AND PRESERVE ALAGNAK WILD RIVER

Superintendent's Order for 2003 Compendium and Determination of Need for Wildlife Distance Conditions.

#### **36 CFR 1.5 Closures and public use limits.**

(a)(2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

#### **2002 Superintendent's Order: Wildlife Viewing Conditions**

Persons may not be within 50 yards of a bear or any large mammal or within 100 yards of a bear or any large mammal with young. This regulation does not apply to persons engaged in a legal hunt, persons on a designated bear viewing structure, or if otherwise directed by NPS personnel.

#### **36 CFR 1.5 Closures and public use limits.**

(c) Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action.

#### **Determination of Need**

The 2002 Superintendent's Order is found to be more restrictive than necessary to accomplish the intended resource protection goal. Further, the requirement to move away from a bear that approaches people may unintentionally reinforce this behavior. Spatial considerations are recognized as a valid component of preventing bear/human conflict but a less restrictive condition is proposed to apply this principle through the use of the Superintendent's Order. The title of this rule has been changed to Wildlife Distance Conditions to reflect the application of these restrictions to other activities that may bring people into contact with wildlife.

One objective of this revision is to address the recommendation from the State of Alaska to develop a program "...to prevent visitors from 1) approaching bears intentionally, b) fishing in close proximity to bears, and c) blocking bears' access to salmon." (State of Alaska Issue Summary and Discussion Document for the October 1-2, 2002 meeting between the Service and the State)

Consistent with "Best Practices for Viewing Bears on the West Side of Cook Inlet and the Katmai Coast", language in this rule will be modified to prevent people from closely approaching bears or monopolizing sites where bears feed.

Consequently, people will not be permitted to establish and maintain a presence immediately adjacent to a food source that results in conditioning bears to human presence or displacing less tolerant bears. Further, the rule will be intended to prohibit people from approaching any large animal with young.

Other management options were considered including permits, seasonal closures, and area restrictions to allow only agency-guided tours. These were rejected as being unnecessarily restrictive, unenforceable, or exceeding the ability of the park to implement.

Less restrictive measures, including no distance rule, were considered but rejected as not meeting resource protection and visitor safety needs. Areas that possess abundant fish and wildlife attract large numbers of visitors and present high potential for personal injury and altering wildlife behavior. These restrictions on activities that bring people in contact with wildlife are intended to apply a minimum buffer zone around wildlife. It does not imply that 50 or 100 yards is always a safe distance from which to observe wildlife.

### **36 CFR 1.5 Closures and public use limits.**

**(a)(2)** Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

#### **2003 Superintendent's Order: Wildlife Distance Conditions**

Persons may not approach within 50 yards of a bear or any large mammal. Persons may not continue to occupy a position within 50 yards of a bear utilizing a concentrated food source, including but not limited to animal carcasses, spawning salmon, and other feeding areas. This regulation does not apply to persons engaged in a legal hunt, on a designated bear viewing structure, in compliance with an approved protocol, or if otherwise directed by NPS.

*Persons engaged in bear viewing, fishing, or other activities in areas of concentrated food sources must avoid altering wildlife behavior.*

*Persons who enter an area of concentrated food sources when a bear is present must move as soon as practicable and safe a minimum of 50 yards away (e.g., do not continue viewing, tripod photography, fishing or other activities). Specific protocols developed in cooperation with Alaska Department of Fish and Game may be approved to facilitate appropriate wildlife viewing opportunities in areas of concentrated food sources.*

*Areas that possess abundant fish and wildlife attract large numbers of visitors and present high potential for personal injury and altering wildlife behavior. These restrictions on activities that bring people in contact with wildlife are intended to apply a minimum buffer zone around wildlife. It does not imply that 50 yards is a safe distance from which to observe wildlife.*